

**Court of Appeals, Division One**  
**Civil Appeal**

**1 CA-CV 14-0416**

**SOBIESKI v. AM STANDARD et al.**

**Appellate Case Information**

Case Filed: 27-Jun-2014  
Case Closed:

**Dept/Composition**

**Department E**

Hon. Diane M Johnsen  
Hon. Patricia A Orozco  
Hon. Kenton D Jones

**Side 1. SCOT and JOANNA SOBIESKI, husband and wife, Plaintiff/Appellee**  
**(Litigant Group) SCOT & JOANNA SOBIESKI**

- Scot Sobieski
- Joanna Sobieski

**Co-Counsel for: Plaintiffs/Appellees**

Richard A Dillenburg, Esq. (AZ Bar No. 13813)  
David L Abney, Esq. (AZ Bar No. 9001)

**Side 2. AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN, a Wisconsin corporation; AMERICAN FAMILY MUTUAL INSURANCE COMPANY, a Wisconsin company authorized to do business in Arizona, Defendant/Appellant**

**(Litigant Group) AMERICAN STANDARD INS CO OF WISCONSIN**

- American Standard Insurance Company of Wisconsin
- American Family Mutual Insurance Company

**Co-Counsel for: Defendants/Appellants**

Lynn M Allen, Esq. (AZ Bar No. 12612)  
Steven J Hulsman, Esq. (AZ Bar No. 10929)  
Jon D Weiss, Esq. (AZ Bar No. 15350)  
Jared L Sutton, Esq. (AZ Bar No. 28887)

**CASE STATUS**

Oct 28, 2016.....Pending in ASC

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR CV2010-092624	Tort - Insurance Bad Faith		David King Udall, Authoring Judge of Order		

**DESCENDENT CASE(S)**

ASC CV-16-0253-PR

**CASE DECISION**

29-Sep-2016 **OPINION**

Diane Johnsen.....Author  
Patricia Orozco.....Concur  
Kenton Jones.....Concur

Filed: 29-Sep-2016

Mandate:

Decision Disposition

**Affirmed in Part**  
**Reversed in Part**  
**Vacated in Part**  
**Remanded in Part**

**59 PROCEEDING ENTRIES**

- 27-Jun-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 05/21/14; (2nd) Notice of Appeal from Maricopa County Superior Court filed 05/30/14  
Bond filed in Superior Court: 5/28/14 (1st NOA); 6/4/14 (2nd NOA)  
Docketing Statement filed in Superior Court: 6/4/14 (1st); 6/4/14 (2nd)
- 1-Jul-2014 FILED: e-Record on Appeal:  
Instruments/Minute Entries  
Exhibits/Sealed Documents - not sent at this time
- 2-Jul-2014 FILED: Notice to Counsel re: Appellants' Fee/Brief Due
- 15-Jul-2014 FILED: Notice Regarding Defendant/Appellants Filing Fee; Certificate of Service re Notice of Payment of Defendants/Appellants Filing Fee (Appellant)

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5.	18-Jul-2014	RECEIPT No.: 2014-00904 ; \$280.00, Authorization: #98014253748, Applied to: AMERICAN STANDARD INS CO OF WISCONSIN - Class A Filing Fee (\$280.00) Paid for: Allen Law Group PLC - By Integrated Resource Systems IN
6.	22-Jul-2014	FILED: Motion to Extend Opening Brief Deadline; Certificate of Service Re: Motion to Extend Opening Brief Deadline (Appellant)
7.	25-Jul-2014	FILED: Motion for Oral Argument; Certificate of Service for Motion for Oral Argument (Appellee)
8.	28-Jul-2014	ORDERED: Motion to Extend Opening Brief Deadline (Appellant) = GRANTED. Due date EXTENDED from Monday, 08-11-2014 to Wednesday, 10-01-2014 Melina Brill ProTem Judge - Author
9.	29-Jul-2014	FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
10.	29-Jul-2014	RECEIPT No.: 2014-00953 ; \$140.00, Authorization: #09015065773, Applied to: SCOT & JOANNA SOBIESKI - Class B Filing Fee (\$140.00) Paid for: Knapp & Roberts PC - By Integrated Resource Systems
11.	15-Sep-2014	FILED: Motion to Extend Opening Brief Deadline; Certificate of Service; Exhibit 1 (Appellant)
12.	17-Sep-2014	ORDERED: directing Kim J. Hanna to complete and deliver all of the trial transcripts on or before 10/20/14. FURTHER ORDERED: extending the time for filing the opening brief to and including 11/19/14. No further extension will be granted, unless all of the transcripts are not completed and delivered by 10/20/14. Melina Brill ProTem Judge - Author
13.	22-Oct-2014	FILED: Motion to Extend Opening Brief Deadline; Certificate of Service (Appellant)
14.	25-Oct-2014	FILED: Reporter's Transcript - 9/24/13 (Kim Hannan)
15.	25-Oct-2014	FILED: Reporter's Transcript - 9/25/13 (Kim Hannan)
16.	25-Oct-2014	FILED: Reporter's Transcript - 9/30/13 (Kim Hannan)
17.	25-Oct-2014	FILED: Reporter's Transcript - 9/17/13 (Kim Hannan)
18.	25-Oct-2014	FILED: Reporter's Transcript - 9/18/13 (Kim Hannan)
19.	25-Oct-2014	FILED: Reporter's Transcript - 9/19/13 (Kim Hannan)
20.	25-Oct-2014	FILED: Reporter's Transcript - 9/23/13 (Kim Hannan)
21.	25-Oct-2014	FILED: Reporter's Transcript - 9/26/13 (Kim Hannan)
22.	27-Oct-2014	FILED: Notice of Receipt of Transcript: Request for Extension of Time for Opening Brief; Certificate of Service (Appellant)
23.	28-Oct-2014	ORDERED: Request for Extension of Time for Opening Brief (Appellant) = GRANTED. Due date EXTENDED from Wednesday, 11-19-2014 to Wednesday, 11-26-2014 Melina Brill ProTem Judge - Author
24.	3-Nov-2014	FILED: Notice of Filing and Service of Trial Transcripts; Certificate of Service (Appellant)
25.	25-Nov-2014	FILED: Notice of Appearance; Certificate of Service (Appellant)
26.	26-Nov-2014	FILED: Appellants' Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
27.	6-Jan-2015	FILED: Motion to Extend Date for Answering Brief; Certificate of Service for Motion to Extend Date for Answering Brief (Appellee)
28.	7-Jan-2015	ORDERED: Motion to Extend Date for Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 01-12-2015 to Monday, 03-09-2015. Melina Brill ProTem Judge - Author
29.	3-Mar-2015	FILED: Second Motion to Extend Date for Answering Brief; Certificate of Service for Second Motion to Extend Date for Answering Brief (Appellee)
30.	4-Mar-2015	ORDERED: Second Motion to Extend Date for Answering Brief (Appellee) = GRANTED. Due date EXTENDED from Monday, 03-09-2015 to Monday, 04-06-2015. Melina Brill ProTem Judge - Author
31.	13-Mar-2015	FILED: Notice of Change of Law Firm; Certificate of Service re: Notice of Change of Law Firm (Appellant)
32.	6-Apr-2015	FILED: Answering Brief of Plaintiffs/Appellees; Certificate of Compliance for Answering Brief of Plaintiffs/Appellees; Certificate of Service for Answering Brief of Plaintiffs/Appellees

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33.	10-Apr-2015	FILED: Motion for Leave to Add Supplementary Trial Transcripts to the Record on Appeal; Certificate of Service for Motion for Leave to Add Supplementary Trial Transcripts to the Record on Appeal (Appellee)
34.	10-Apr-2015	FILED: Notice of Filing Avtranz Supplemental Transcripts for September 17 and 18, 2013; Certificate of Service for Notice of Filing Avtranz Supplemental Transcripts for September 17 and 18, 2013; Reporter's Transcript - 09/17/2013 - Jury Trial - Day 1 (Kathy Lattimore); Reporter's Transcript - 09/18/2013 - Jury Trial - Day 2 (Debbie E Shea) (Appellee)
35.	10-Apr-2015	FILED: Notice of Filing Avtranz Supplemental Transcripts for September 19 and 23, 2013; Certificate of Service for Notice of Filing Avtranz Supplemental Transcripts for September 19 and 23, 2013; Reporter's Transcript - 09/19/2013 - Jury Trial - Day 3 (Melissa Estep); Reporter's Transcript - 09/23/2013 - Jury Trial - day 4 (Jessica B Cahill) (Appellee)
36.	10-Apr-2015	FILED: Notice of Filing Avtranz Supplemental Transcripts for September 24 and 25, 2013; Certificate of Service for Notice of Filing Avtranz Supplemental Transcripts for September 24 and 25, 2013; Reporter's Transcript - 09/24/2013 - Jury Trial - Day 5 (Cynthia L Adkins); Reporter's Transcript - 09/25/2013 - Jury Trial - Day 6 (Renee J Hunter) (Appellee)
37.	21-Apr-2015	FILED: Motion for Extension of Time to file Reply Brief; Certificate of Service (Appellant)
38.	22-Apr-2015	ORDERED: Motion for Extension of Time to file Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 05-04-2015 to Wednesday, 06-03-2015. Melina Brill ProTem Judge - Author
39.	29-Apr-2015	FILED: Response to Motion for Leave to Add Supplementary Trial Transcripts to the Record on Appeal; Certificate of Service (Appellant)
40.	20-May-2015	ORDERED: granting appellee's motion/supplementing record on appeal w/ six transcripts filed in court on 4/10/15. Melina Brill ProTem Judge - Author
41.	3-Jun-2015	FILED: Request for Oral Argument; Certificate of Service (Appellant)
42.	3-Jun-2015	FILED: Appellants' Reply Brief; Certificate of Compliance; Certificate of Service
43.	1-Jul-2015	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
44.	10-Jul-2015	FILED: Supplemented Superior Court e-Record with Revised Index of Record
45.	10-Jul-2015	FILED: Additional Record on Appeal Exhibits: Hearing Date: 09/17/2013 - LIST # 1,2,4,5,6,7,10,11,13,14,15,17,20,21,23,24,27, 28,29,30,31 32,33,34,39,28,29,30,31,32,33,35,36,38,39,40,41,42,43,45,46,47,48,50,52,56,57,64,71 In a Box Hearing Date: 09/17/2013 - LIST # 5,6,7,10,11,13(1), 13(2), 14,15,17,18,19,20,21,24,25,26,27,28,29,30,31,32,35,36,38,40,41,42,43,45,46,47,64,73 Exhibits sealed in a box.
46.	21-Jul-2015	ORDERED: Requests for Oral Argument (Appellant/Appellee) = GRANTED. Hon Michael J Brown - Author
47.	5-Aug-2015	FILED: Notice of Errata re Record Citations in Appellants' Opening Brief; Certificate of Service
48.	2-Dec-2015	CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 1-13-16, 10:15 am, COURTROOM 1.
49.	7-Dec-2015	FILED: Notice of Filing Return Receipt for Notice of Oral Argument; Return Receipt for Notice of Oral Argument signed by David L Abney on 12/7/15; Certificate of Service for Notice of Filing Return Receipt for Notice of Oral Argument
50.	18-Dec-2015	FILED: Return Receipt for Notice of Oral Argument signed by Jon D Weiss on 12/7/15 (Appellants)
51.	5-Jan-2016	FILED: Notice Of Change Of Law Firm Name And Email Addresses; Certificate of Service (Appellant)
52.	13-Jan-2016	FILED: Sign-in Sheet/Case is Under Advisement (Dept E)
53.	19-Jan-2016	FILED: Citations to Record in Light of this Court's Oral-Argument Questions and Comments Regarding Exhibits 24 and 25; Certificate of Service for Citations to Record in Light of this Court's Oral-Argument Questions and Comments Regarding Exhibits 24 and 25 (Appellee)
54.	29-Jan-2016	FILED: Objection to Citations to Record in Light of This Court's Oral-Argument Questions and Comments Regarding Exhibits 24 and 25; Certificate of Service (Appellant)
55.	2-Feb-2016	FILED: Reply in Support of Citations to Record in Light of this Court's Oral-Argument Questions and Comments Regarding Exhibits 24 and 25; Certificate of Service for Reply in Support of Citations to Record in Light of this Court's Oral-Argument Questions and Comments Regarding Exhibits 24 and 25 (Appellant)

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| 56. | 29-Sep-2016 | OPINION (Affirmed in Part, Reversed in Part, Vacated in Part, Remanded in Part) Hon Diane M Johnsen - Author; Hon Patricia A Orozco - Concur; Hon Kenton D Jones Judge - Concur |
| 57. | 29-Sep-2016 | FILED: Opinion Distribution List  |
| 58. | 28-Oct-2016 | FILED: Email Notice from ASC re: Petition for Review filed 10/28/16; request for partial record   |
| 59. | 28-Oct-2016 | FILED: Letter forwarding partial record to Arizona Supreme Court  |